

First Published in the Wichita Eagle on March 4, 2005

RESOLUTION NO. 05-103

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **MAIN 6, COWSKIN INTERCEPTOR SEWER, (NORTH OF PAWNEE, WEST OF 119TH STREET WEST) 468-83817**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **MAIN 6, COWSKIN INTERCEPTOR SEWER, (NORTH OF PAWNEE, WEST OF 119TH STREET WEST) 468-83817**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution **No. 04-257** adopted on **May 18, 2004** is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Main 6, Cowskin Interceptor Sewer, (north of Pawnee, west of 119th Street West) 468-83817**.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Eight Hundred Thirty Thousand Dollars (\$830,000)** exclusive of the cost of interest on borrowed money, with **50** percent payable by the improvement district and **50** percent payable by the City of Wichita from Water and Sewer Department Sewer Utility Improvement Funds. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2005**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

TURKEY CREEK 2ND ADDITION

Lots 1 through 28, Block A
Lots 1 through 57, Block B
Lots 1 through 26, Block C
Lots 1 through 22, Block D
Lots 1 through 60, Block E

UNPLATTED TRACT 'A'

That part of the E 1/2 of the NW 1/4 of Sec. 36, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas lying north of the Atchison, Topeka, and Santa Fe Railroad right-of-way, subject to U.S. Highway 54 right-of-way, (Condemnation Case No. A-38302), TOGETHER with that part of said NW 1/4 lying south of the south right-of-way

of said Atchison, Topeka, and Santa Fe Railroad, except that part platted as Centennial Sub, Sedgwick County, Kansas, all being subject to road rights-of-way of record, TOGETHER with the SW 1/4 of said Sec. 36, except there from the following described tract: Beginning 627.63 feet north of the SW corner of said SW 1/4; thence east, 249.20 feet; thence north, 259.16 feet; thence west, 249.20 feet to a point on the west line of said SW 1/4; thence south along the west line of said SW 1/4, 259.16 feet to the point of beginning, all said SW 1/4 being subject to road rights-of-way of record, TOGETHER with that part of the SE 1/4 of said Sec. 36 lying west of the west line of Turkey Creek Addition, Wichita, Sedgwick County, Kansas all being subject to road rights-of-way of record,

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

Lots 1 through 28, Block A, Lots 1 through 57, Block B, Lots 1 through 26, Block C, Lots 1 through 22, Block D, and Lots 1 through 60, Block E, TURKEY CREEK 2ND ADDITION shall each pay 11/10,000 of the total cost of the improvements, and UNPLATTED TRACT 'A' shall pay 7877/10,000 of the total cost of the improvements.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, March 1, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)